

REMARKS/ARGUMENTS

The Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicants regard as the invention.

Claims 6-8 were objected to under 37 CFR 1.75(c) for being in improper form because multiple dependent claims should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claims. Claims 6-8 have been amended. Withdrawal of the objection is respectfully requested.

Claims 1-5 and 9 stand rejected under 35 U.S.C. 112, second paragraph, with respect to the phrase "folder type," as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-9 have been amended to recite the term "foldable" to overcome the Examiner's rejection. Withdrawal of the rejection is respectfully requested. The term "foldable" is expressly, implicitly or inherently supported in the originally filed disclosure, and it complies with the written description requirement of 35 U.S.C. 112.

Claims 1, 4, 5 and 9 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Pawlish et al. (U.S. Patent No. 5,276,916, hereinafter "Pawlish"). For at least the following reasons, the Examiner's rejection is respectfully traversed. Pawlish does not describe each and every feature as required in the claimed invention.

Pawlish does not disclose a foldable mobile phone comprising 1) a first case having a transmission microphone and 2) a second case having a receiver and a speaker, which is exposed when the first case and the second case are closed, as required in claims 1, 2 and 9. As shown in Figs. 2 and 4, the receiver 22 in the present

application is another speaker. Pawlish does not disclose a receiver (second speaker) in the second case. Pawlish discloses a communication device includes a first housing comprising one speaker and a second housing comprising a microphone with inside and outside ports. In Pawlish, there is only one speaker provided in the first housing. Since Pawlish does not describe each and every feature set forth in claims 1, 2 and 9, Pawlish cannot anticipate claims 1, 2 and 9.

Claims 4 and 5 depend directly or indirectly on one or both of claims 1 and 2, and thus are patentable for at least the same reasons as the parent claim.

Claims 2-5 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Pawlish in view of Imai. (U.S. Patent No. 6,389,267, hereinafter "Imai"). For at least the following reasons, the Examiner's rejection is respectfully traversed. The asserted combination of Pawlish and Imai, independently or in combination, does not teach or suggest all features of the claimed invention.

As mentioned above, Pawlish does not describe each and every feature as required in claims 1 and 2. In particular, Pawlish does not disclose a foldable mobile phone comprising 1) a first case having a transmission microphone and 2) a second case having a receiver and a speaker, which is exposed when the first case and the second case are closed, as required in claims 1 and 2. Imai fails to cure the deficiency. That is, the asserted combination of Pawlish and Imai fails to teach or suggest all features of the claims. Hence, the rejection should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned agent to

Appl. No. 10/516,968
Amdt. Dated December 20, 2005
Reply to Office action of September 23, 2005

expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please
charge same to our Deposit Account No. 16-0820, our Order No.37251.

Respectfully submitted,

PEARNE & GORDON LLP

By:


Tomoko Ishihara, Reg. No. 56808

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: December 20, 2005